



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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2010 DEC 13 AM 9:42

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EPA REGION VIII
HEARING CLERK

Ref: 8 ENF-W

DEC 13 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Robert DeArmond, Mayor
Town of Bearcreek
P.O. Box 1082
Bearcreek, MT 59007

Re: Violation of Administrative Order
Docket No. SDWA-08-2009-0026
Bearcreek Municipal Public
Water System
PWS ID # MT0000063

Dear Mayor DeArmond:

On March 18, 2009, the US Environmental Protection Agency (EPA) issued an Administrative Order (the Order), Docket No. SDWA-08-2009-0026, ordering the Town of Bearcreek to comply with various drinking water regulations issued by EPA under the Safe Drinking Water Act (the Act), 42 U.S.C. Section 300f et seq.

Our records indicate that The Town of Bearcreek (The Town or Respondent) is in violation of the Order. Among other things, the Order included the following requirements (quoted from item 11 of the Order section on page 3 of the Order):

1. Upon receipt of this Order, Respondent shall monitor annually, or as directed by the State, for lead and copper. Respondent shall collect 5 samples during each sampling event, unless directed otherwise by the State. 40 C.F.R. §§ 141.86(c) and 141.86(d). Respondent's lead and copper sample for 2009 is to be taken between June 1 and September 30, 2009. Respondent shall report analytical results to EPA and the State within the first 10 days following the end of the monitoring period, as required by the drinking water regulations. 40 C.F.R. § 141.90.

EPA acknowledges that the Town took 5 lead and copper samples on September 7, 2009. However, the Town only took 1 of the required 5 lead and copper samples on September 27, 2010 and failed to submit that result to EPA.

EPA is considering additional enforcement action as a result of the non-compliance with the Order. Violating an administrative order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions or wish to have an informal conference with EPA, you may contact Shawn McCaffrey at 1-800-227-8917, extension 6515 or (303) 312-6515. If you are represented by an attorney who has questions, please ask your attorney to contact Peggy Livingston, Senior Enforcement Attorney, at 1-800-227-8917, extension 6858 or (303) 312-6858 or at the following address:

Peggy Livingston
Senior Enforcement Attorney
U.S. EPA, Region 8 (8-ENF-L)
1595 Wynkoop Street
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.



Lisa Kahn, Team Leader
Drinking Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc: Tina Artemis, EPA Regional Hearing Clerk
Jane Swanson-Webb, Town Clerk
Dean Webb, Operator
John Arrigo, MT DEQ
Shelley Nolan, MT DEQ